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Dkt. 01056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

REMI DELANSORNE et al.

Serial No.: 09/787,436

Filed: March 27, 2001

Group Art Unit: 1654

Examiner: B. D. Chism

For: PHARMACEUTICAL COMPOSITIONS BASED ON ALPHA-CYCLODEXTRIN
FOR THE ORAL ADMINISTRATION OF LH-RH ANALOGUES

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Notice of Abandonment was mailed on September 26, 2003, alleging that Applicant failed to timely respond to the Restriction Requirement, mailed January 28, 2003.

A Response to the January 28, 2003, Restriction Requirement was filed in this application on February 26, 2003. Attached hereto (Attachment A) are copies of the response and a receipt card showing receipt of the response by the U.S. Patent and Trademark Office on February 26, 2003.

Accordingly, Applicant submits that a response to the Restriction Requirement was filed in a timely manner, and

respectfully requests that the holding of abandonment be withdrawn.

The Applicant also wishes to make the following facts of record in this application:

On October 7, 2003, a representative from the undersigned's office spoke with Examiner Chism by telephone with regard to the status of this case. The Examiner indicated that Applicant's response to the January 28, 2003, restriction requirement was not in the Patent Office file. Upon the Examiner's request, the undersigned provided facsimile copies of the response and receipt card stamped by the Patent Office on February 26, 2003.

On November 19, 2003, the undersigned again contacted Examiner Chism to inquire about the status of the case, and was informed by a message left on the undersigned's voicemail that the September 26, 2003, Notice of Abandonment would be vacated due to the Patent Office's "mistake" in misplacing Applicant's February 26, 2003, response. At this time, the Examiner indicated that a first Office action would issue in "about one to two weeks."

On March 11, 2004, the undersigned attempted to contact Examiner Chism by telephone, without success, and instead left a voicemail message requesting the Examiner to

return the telephone call. The undersigned was not contacted by the Examiner.

On March 15, 2004, the undersigned attempted to contact Examiner Chism by telephone, without success, and instead left a voicemail message requesting the Examiner to return the telephone call. The undersigned was not contacted by the Examiner.

On March 18, 2004, Examiner Chism contacted the undersigned requesting that a further copy of the February 26, 2003, response to restriction requirement be sent to him by facsimile, which the undersigned did (see Attachment B).

On April 7, 2004, the undersigned contacted Examiner Chism by telephone to again inquire about the status of the case. Examiner Chism stated that he would "get to the application before the end of the week."

On July 6, 2004, after the undersigned failed to receive any communication from the Patent Office, the undersigned attempted to contact Examiner Chism by telephone, without success, and instead left a telephone message requesting that the Examiner return the telephone call. The undersigned was not contacted by the Examiner until July 19, 2004, during which telephone conversation the Examiner informed the undersigned that the Applicant is being required

to file this Petition for Withdrawal of Holding of
Abandonment.

Respectfully submitted,

A handwritten signature in cursive script, reading "Malcolm J. MacDonald".

Malcolm J. MacDonald
Registration No. 40250